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ELALLAM, AHMED				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/633,800

Applicant(s)

MIRZA, NASIR MAHMOOD

Examiner

AHMED ELALLAM

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to Amendment filed on 02/09/2009. The Amendment has been entered.

Claims 1-19 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6-8, 10, 15-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Ennis et al, US 5,867,483 in view of Byers, US 6,975,594. Hereinafter referred to respectively as Ennis and Byers.

Regarding claims 1 and 10, with reference to figure 1, Ennis discloses a method/ or communication control system for bandwidth selection in a communication network, the communication control system comprising:

a console 16, the console comprising a display user interface and input device, column 23, lines 30-33,(claimed a display device; an input device); the console being a computer (see figure2) comprising processors, memory, and communications resources, see column 8, lines 1-31 (claimed a processing system);

the consol displays information relating to bandwidth utilization for individual circuits, Column 9, lines 36-41.

a communication interface for transferring command to the communication network, see column 23, line 52-55;

an operator entering information into console 16 describing the data transmission system configuration including the individual circuits to monitor by a probe. The probe determines the bandwidth capacities and committed information rates, the console displays information relating to bandwidth utilization for individual circuits, Column 9, lines 36-41.

Ennis further discloses window display 20 includes advisor button 52 for initiating analysis of the access channel and/or individual circuit utilization data to recommend a bandwidth adjustment. Column 15, line 17-20. (Claimed receive a user input from the input device in response to the graphical bandwidth "level selection indicium", with the user input selecting a particular bandwidth "level indicium of the two or more bandwidth indicia", translate the user input into the bandwidth "level selection command", and transfer the bandwidth "level selection command" to the communication interface; wherein the user input generates the "bandwidth level selection command" for a communication session in the communication network).

Ennis, in addition, discloses individual circuit utilization data been displayed, and button to recommend a bandwidth adjustment, as discussed above, Ennis further discloses window 20 may be arranged in any fashion and contain any data transmission system related or other information, see column 14, lines 37-39, and may include any

other functions pertinent to the analysis, such as help, tools, view, etc., see column 14, lines 39-42.

Ennis also discloses displaying bar graph and pie charts for viewing bandwidth utilization; see column 17, lines 54-66, and further specifies the bar graph contains displaying bandwidth history having bandwidth selections, see figures 11, 13 and 15, specification column 6, lines 9-12, 17-19, and 26-31, column 15, lines 28-41.

The difference between Ennis and claims 1 and 10, is that Ennis does not specify the "other information" displayed consist of a graphical bandwidth level selection indicium comprising two or more bandwidth level indicia that can be selected by a user.

However, with reference to figure 3, Byers discloses in the same field of endeavor of bandwidth selection, a window bandwidth allocation adjustments can also be selected using supplementary "Bandwidth Selection" elements 70, which may be implemented as conventional graphical user interface "radio button" elements. See column 7, lines 36-56. (Claimed graphical bandwidth level selection indicium comprising two or more bandwidth level indicia).

Therefore, it would have been obvious to a person of skill in the art at the time the invention was made to provide the method/system of Ennis with the radio button elements so that bandwidth selection can be provided along the recommended bandwidth adjustment. The advantage would be a more accurate recommendation of links bandwidth to expected bandwidth request from the user attached in the network. The advantage would be better utilization of bandwidth of the system of Ennis.

Regarding claims 6 and 15, Ennis discloses clicking a button for bandwidths recommendation. See column 18, lines 38-34.

Regarding claims 7, 16, and 17, Ennis discloses displaying bar graph and pie charts for viewing bandwidth utilization; see column 17, lines 54-66.

Regarding claims 8 and 18, Ennis discloses displaying bar graph and pie charts for viewing bandwidth utilization; see column 17, lines 54-66, and further specifies the bar graph contains displaying bandwidth history having bandwidth selections, see figures 11, 13 and 15, specification column 6, lines 9-12, 17-19, and 26-31, column 15, lines 28-41.

3. Claims 2-5, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ennis in view of Byers as applied to respective parent claims 1 and 10 above and further of Lodayekar et al, US 2003/0079019. Hereinafter referred to as Lodayekar.

Regarding claims 2, 3, 11 and 12, as indicated above with reference to respective claims 1 and 10, Ennis in view of Byers discloses substantially all the limitation of parent claims. Further Ennis discloses a series of recommendation for bandwidth adjustments. Ennis/Byers do not specify transferring the bandwidth selection command to a first bandwidth controller associated with a first switch of the communication network, with the first bandwidth controller controlling a communication session bandwidth, as in claim 2 and 11 and do not teach the bandwidth selection command is transferred to at least a first bandwidth controller associated with a first

switch and a second bandwidth controller associated with a second switch of the communication network, with the first and second bandwidth controllers controlling a communication session bandwidth.

However, with reference to figures 2 and 6, Lolayekar in the field of bandwidth allocation in storage area network, discloses traffic managers (TMs) 608 in both ingress and egress line-cards monitor (claimed bandwidth controller) the transfer bandwidth of different connections, the traffic manager associated with a switches 204, see paragraph [0193]. Lolayekar further discloses an administrator entering the performance characteristics at a management station 210, wherein the characteristics can then be provided to the switches 204. Paragraph [0093].

It would have being obvious to a person of ordinary skill in the art, at the time the invention was made to have the switching network of Ennis in view of Byers consist of the switching network of Lolayekar so that the method/system can be used in the network of Lolayekar. The advantage would be the provisioning of another layer of service such as QoS to the system/method of Ennis in view of Byers.

Regarding claims 4, 5, 13 and 14, Ennis disclose bandwidth adjustment for individual circuits but does not specify the individual circuit (s) are mirroring session as in claims 4 and 13, or the mirroring session is to a Storage Area Network (SAN) as in claims 5 and 14.

Lolayekar discloses path that are for mirroring to a SAN, see paragraph [0013]. It would have being obvious to a person of ordinary skill in the art, at the time the invention was made to have the bandwidth adjustment/selection of Ennis in view of

Byers applied to path carrying mirroring data as taught by Lolayekar so that the bandwidth adjustment method/system of Ennis/Byers can be implemented in Storage Area Networks. (Lolayekar [0013]).

4. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ennis in view of Byers as applied to respective parent claims 1 and 10 above and further in view of Fuller et al U.S 2003/0055972. Hereinafter referred to as Fuller.

Regarding claim 9 and 19, Ennis/Byers discloses that the console (claimed processing system) is arranged to display data in graphical form and the windows or screens may be arranged in any manner and contain any desired information and /or the bar graphs, pie charts and reports may contain any desired information extending for any desired period of time. See column 23, lines 30-50.

Ennis doesn't specify the displayed information is a service level agreement (SLA).

Fuller in the same field of endeavor of Storage Area Networks discloses displaying SLA data, see paragraph [0037]. It would have being obvious to a person of ordinary skill in the art, at the time the invention was made the make the displayed data of Ennis/Buyers consists of SLA data as taught by Fuller. The advantage would be the ability to enhance the system of Ennis in view of Byers with enforcing the SLA in the process of bandwidth recommendation. It is also advantageous to prevent Users lacking the required SLA from congesting the network.

Response to Arguments

5. Applicant's arguments filed 2/09/2009 have been fully considered but they are not persuasive.

Claims 1 and 10:

Applicant argues in essence that "Neither Ennis nor Byers discloses displaying a bandwidth history including previous bandwidth selections, as currently required by claim 1".

Examiner respectfully disagrees, Ennis alone discloses displaying bar graph and pie charts for viewing bandwidth utilization; see column 17, lines 54-66, and further specifies the bar graph contains displaying bandwidth history having bandwidth selections, see figures 11, 13 and 15, specification column 6, lines 9-12, 17-19, and 26-31, column 15, lines 28-41.

As to claim 10, Applicant has similar argument to that of claim 1, thus claim 10 is subject to the same argument.

As to dependent claims 2-9 and 11-19, Applicant argued that these claims are allowable based on the dependency from allegedly allowable respective claims 1 and 10. Examiner respectfully disagrees given the argument above as well as the maintained rejections of claims 2-9 and 11-19.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571)272-3097. The examiner can normally be reached on 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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